IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 17788 of 2007(P)

PETITIONER:

---

1. C. TITUS,
   T.S. COTTAGE, PODUVAL, TIRUPURAM P.O.,
   NEYYATTINKARA, THIRUVANANTHAPURAM.

2. ALEX PAUL,
   ALEX BHAVAN, PODUVAL, TIRUPURAM P.O.,
   NEYYATTINKARA, THIRUVANANTHAPURAM.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENTS:

---

1. THE DISTRICT COLLECTOR, COLLECTORATE, THIRUVANANTHAPURAM.

2. THE SUB DIVISIONAL MAGISTRATE, THIRUVANANTHAPURAM.

3. THE POLLUTION CONTROL BOARD REP. BY ITS SECRETARY,
   THIRUVANANTHAPURAM.

4. THE DISTRICT MEDICAL OFFICER (DMO), THIRUVANANTHAPURAM.

5. THE SECRETARY, TIRUPURAM GRAMA PANCHAYATH, TIRUPURAM.

6. THE PRESIDENT, TIRUPURAM GRAMA PANCHAYATH, TIRUPURAM.

7. SURESH STEPHEN, PODUVAL HOUSE, PODUVAL, TIRUPURAM VILALGE,
   NEYYATTINKARA, THIRUVANANTHAPURAM.

8. STEPHEN, PODUVAL HOUSE, PODUVAL, TIRUPURAM VILLAGE,
   NEYYATTINKARA, THIRUVANANTHAPURAM.

BY ADV. SRI. THULACY BHAI – SC POLLUTION CONTROL BOARD.
GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.17788 OF 2007

DATED THIS THE 11th DAY OF JUNE, 2007

JUDGMENT

The petitioners are aggrieved by the starting of a poultry farm by respondents 7 and 8 which according to the petitioners is within a thickly populated residential area. The petitioners would submit that this is a serious threat to the health of the residents of the locality. According to me since the petitioner is complaining of a nuisance which would be a threat to the health of the people of the locality, the same squarely comes within the purview of Section 133 of Code of Criminal Procedure and therefore the remedy available to the petitioners is to file an application under Section 133 of the Code of Criminal procedure before the Revenue Divisional Officer. Without prejudice to such right this writ petition is dismissed.

S. SIRI JAGAN, JUDGE

Acd